

IN THE UNITED STATE DISTRICT COURT
SOUTHSN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

In Re: COOK MEDICAL, INC., IVC FILTERS
MARKETING, SALES PRACTICES AND
PRODUCTS LIABILITY LITIGATION

Case No: 1:20-cv-02054
MDL No. 2570

This Documents Relates to Plaintiff(s):
LEBRON DALLAS

Civil Case No. 1:20-cv-02054

MOTION TO SUBSTITUTE PARTY PLAINTIFF AND FOR LEAVE TO FILE
AMENDED SHORT FORM COMPLAINT

COMES NOW, Plaintiff Lebron Dallas and files this motion to substitute his surviving son, Cody Dallas, as the proper plaintiff pursuant to Federal Rule of Civil Procedure 25(a)(1). In support therefore, Plaintiff respectfully shows the court the following:

1. Plaintiff Lebron Dallas filed the present action in the United States District Court of the Southern District of Indiana on February 11, 2025.
2. Plaintiff Lebron Dallas died on or about May 06, 2023.
3. On February 11, 2025, Plaintiff filed a suggestion of death pursuant to Federal Rule of Civil Procedure 25(a). See Doc. No. 26449. Plaintiff's counsel recently learned of the death of Lebron Dallas after contacting his son.
4. Cody Dallas, surviving son of Lebron Dallas, is the proper party plaintiff to substitute for Plaintiff-decedent Lebron Dallas and has proper capacity to proceed forward with the surviving products liability lawsuit on Plaintiff-decedent's behalf, pursuant to Fed. R. Civ. P. 25(a)(1), stating, "[i]f a party dies, and the claim is not extinguished, the court may order substitution of the proper party. A motion for

substitution may be made by any party or by the decedent's successor or representative."

5. Plaintiff thus moves to substitute Cody Dallas, as the personal representative of the Estate of Lebron Dallas, deceased, as Plaintiff in the present action.
6. Plaintiff also moves to amend the Complaint, as well as the caption of the Complaint, to correct the proper Plaintiffs (specifically Cody Dallas, as personal representatives of the Estate of Lebron Dallas, deceased) and to update and include information, allegations, and actions within the Complaint to reflect that Plaintiff Lebron Dallas is now deceased.
7. A proposed First Amended Short Form Complaint is attached hereto as Exhibit A.
8. Pursuant to Federal Rules of Civil Procedure 15(a)(2), a party may amend its pleading only with the opposing party's written consent or the Court's leave. The Court should freely give leave when justice so requires.

WHEREFORE, counsel for Plaintiff requests this Court for the following relief (1) the Court substitute Cody Dallas as the personal representative of the Estate of Lebron Dallas, deceased, as Party Plaintiff for Lebron Dallas; (2) the Court grant leave to file the attached First Amended Short Form Complaint; Case 1:20-cv-02054 and (3) the Court deem the attached First Amended Short Form Complaint filed instant. A proposed Order is attached hereto as Exhibit B.

Date: February 11, 2025.

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/s/Basil Adham

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CERTIFICATE OF SERVICE

I hereby certify that on February 11, 2025, a copy of the foregoing was served electronically and notice of the service of this document will be sent to all parties by operation of the Court's electronic filing system to CM/ECF participants registered to receive service in this matter. Parties may access this filing through the Court's system.

/s/Basil Adham